

AO 91 (Rev. 11/11) Criminal Complaint

Agent:

AUSA: Susan Fairchild
Michael EversonTelephone: (313) 226-9577
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UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Marlon Josue PINEDA-CRUZ

Case No. Case: 2:25-mj-30031
Assigned To : Unassigned
Assign. Date : 1/30/2025
Description: CMP USA V.
PINEDA-CRUZ (DJ)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 21, 2025 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

Title 8, United States Code, Section 1326(a)

Unlawful Re-entry after Removal from the United States

This criminal complaint is based on these facts:

On or about January 21, 2025, in the Eastern District of Michigan, Southern Division, Marlon Josue PINEDA-CRUZ, an alien from Honduras, was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about July 10, 2019, at or near Phoenix, Arizona, and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326 (a).

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: January 30, 2025

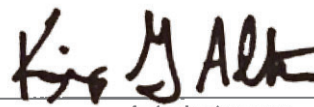
City and state: Detroit, MI



Complainant's signature

Michael Everson, BPA

Printed name and title



Judge's signature

Hon. Kimberly Altman, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Michael Everson, declare the following under penalty of perjury:

1. I am a Border Patrol Agent with the United States Department of Homeland Security, United States Border Patrol. I have been employed in this capacity since December 2011. Currently, I am assigned to the Detroit Border Patrol Station. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers to include Border Patrol Agents and record checks of law enforcement databases. I have also reviewed material from the official Immigration file and system automated data relating to Marlon Josue PINEDA-CRUZ, which reveals the following:
2. PINEDA-CRUZ is a twenty-five-year-old male, native and citizen of Honduras, who last entered the United States at or near an unknown place, without being admitted, inspected, or paroled by an Immigration Officer.
3. On or about January 14, 2019, PINEDA-CRUZ was arrested by Customs and Border Protection officers at the Nogales, Arizona port of entry. He was processed for a Notice to Appear.
4. On or about June 26, 2019, PINEDA-CRUZ was ordered removed by an Immigration Judge. He was subsequently removed back to Honduras on July 10, 2019, through Phoenix, Arizona.
5. On January 21, 2025, PINEDA-CRUZ was encountered by Border Patrol Agents near Detroit, Michigan. PINEDA-CRUZ was driving a Toyota Camry vehicle, with a paper license plate displayed in the window. The windows were tinted very dark, such that the Agent could not see inside the car. When the Agent attempted to have the car pull over, PINEDA-CRUZ accelerated quickly and attempted to evade the Agent. Eventually the vehicle stopped, and the Agent radioed for assistance in order to complete the traffic stop.
6. PINEDA-CRUZ stated to agents that he was a citizen and national of Honduras and that he currently is illegally present in the United States. He told the Agents that the car belonged to someone else, and that he could not remember their name. When requested to exit the car, PINEDA-CRUZ hesitated, and it was not until other Agents arrived on the scene that he decided to exit the vehicle. PINEDA-CRUZ was transported to the Detroit Border Patrol Station for processing. His prior order of removal was reinstated.

7. Marlon Josue PINEDA-CRUZ's fingerprints and photograph were captured and entered into the Automated Biometric Identification System (IDENT) and the Integrated Automated Fingerprint Identification System (IAFIS). The results revealed that PINEDA-CRUZ is a citizen of Honduras with the foregoing immigration history who has been previously removed from the United States. The record checks did not provide any evidence that PINEDA-CRUZ legally entered the United States or had been issued any document or status that would allow him to enter or remain the United States.
8. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.
9. Review of the Alien File (A# xxx xxx 865) for Marlon Josue PINEDA-CRUZ and queries in Department of Homeland Security databases confirm no record exists of PINEDA-CRUZ obtaining the express permission from the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States following his removal on July 10, 2019.
10. Based on the above information, I believe there is probable cause to conclude that Marlon Josue PINEDA-CRUZ, is an alien who was found in the United States after removal, without the express permission from the Attorney

General of the United States or from the Secretary of the Department of Homeland Security to re-apply for admission into the United States in violation of Title 8, United States Code, Section 1326(a).



Michael Everson, Border Patrol Agent
U.S. Department of Homeland Security

Subscribed and sworn to before me and signed in my presence and/or by reliable electronic means.



Honorable Kimberly Altman
United States Magistrate Judge

Dated: January 30, 2025